

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AUDI WILSON,

Plaintiff,

**STIPULATION AND ORDER
OF DISCONTINUANCE**

-against-

THE CITY OF NEW YORK, POLICE OFFICERS
DAVID SICILIANO AND JOSEPH GAMALDI,

10-CV-04057 (RRM)(CLP)

Defendants.

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WHEREAS, plaintiff Audi Wilson commenced this action by filing a Complaint on or about September 7, 2010, alleging that defendants City of New York, David Siciliano, and Joseph Gamaldi, violated his legal rights under federal and state law;

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff and defendants (whether served or not) desire to resolve certain issues raised in this matter without further proceedings and without admissions of fault or liability; and

WHEREAS, no party herein is an infant or incompetent for whom a committee has been appointed;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. Any and all claims against the City of New York, David Siciliano, and Joseph Gamaldi, any present or former employees and agents of the City of New York, or any agency thereof, who were or could have been named in this action, are voluntarily withdrawn and

dismissed, whether they arise under federal or state law, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), without costs or attorneys fees to either party; and

2. Defendants City of New York, David Siciliano, and Joseph Gamaldi expressly reserve their rights under Fed. R. Civ. P. 41(d); and

3. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter herein shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

July 15, 2011

S. Felix Ngati, Esq.
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By: 

S. Felix Ngati, Esq.

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SO ORDERED:

HON. ROSLYNN R. MAUSKOPF, U.S.D.J.

Date